



Order Filed on October 26, 2018  
by Clerk U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Andrew T. Archer, Esquire  
175 Richey Avenue  
Collingswood, NJ 08107  
(856) 963-5000  
Attorney for Debtor(s)  
005272008

In Re:  
William J. Kistner and Debra C. Kistner,  
  
Debtors

Case No.: 18-16862

Chapter: 13

Judge: JNP

**ORDER GRANTING MOTION AND PERMITTING DEBTOR  
TO ENTER INTO LOAN MODIFICATION AGREEMENT**

The relief set forth on the following page, numbered two , is hereby **ORDERED**.

**DATED: October 26, 2018**

  
\_\_\_\_\_  
Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court

**THIS MATTER** having been opened to the Court upon motion requesting the entry of an Order approving a loan modification agreement between the Debtor(s) and Fay Servicing (“Creditor”) Doc. No. 32 (the “Motion”) and no objections have been filed, and sufficient cause shown,

It is hereby **ORDERED** that:

1. The Motion is hereby granted and the Debtor is permitted to enter into the loan modification agreement with Creditor attached as an Exhibit to the Motion (the “Agreement”);
2. The Mortgage secured by real property owned by the Debtor as identified in the Agreement is hereby modified in accordance with the terms set forth in the Agreement.
3. The Chapter 13 Trustee shall suspend disbursements to Creditor pending completion of loan modification [***as set forth in the Agreement***] and all money that would otherwise be paid to Creditor, be held until the arrearage portion of the claim is amended to zero, or the claim is withdrawn, or the Trustee is notified by the Creditor that the modification was not consummated;
4. If post-petition arrears are capitalized into the loan modification, the Creditor shall file an amended post-petition claim within thirty (30) days of the date of this Order. Upon receipt of an amended post-petition claim, the Trustee may disburse the funds being reserved pursuant to this order to other creditors in accordance with provisions of the confirmed plan;
5. [***The Creditor shall notify the Trustee and the Debtor’s attorney***] in the event the modification is not consummated. Any money that was held by the Trustee [***for the Creditor pursuant to a timely proof of claim***] pending completion of the modification shall then be paid to Creditor;
6. Debtor shall file an Amended Schedule J and Modified Plan within twenty (20) days of this Order;
7. Communication and/or negotiations between Debtor and mortgagees/mortgage servicers about loan modification shall not be deemed as violation of the automatic stay; and any such communication or negotiation shall not be used by either party against the other in any subsequent litigation.
8. The Debtors shall provide the Trustee with a fully executed copy of the Agreement upon completion.

**Certificate of Notice Page 3 of 3**  
United States Bankruptcy Court  
District of New Jersey

In re:  
William J. Kistner  
Debra C. Kistner  
Debtors

Case No. 18-16862-JNP  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Oct 26, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 28, 2018.

db/jdb +William J. Kistner, Debra C. Kistner, 207 New Jersey Avenue, Collingswood, NJ 08108-1611

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 28, 2018

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 26, 2018 at the address(es) listed below:

Andrew Thomas Archer on behalf of Debtor William J. Kistner aarcher@brennerlawoffice.com,  
bankruptcy@brennerlawoffice.com;r64966@notify.bestcase.com  
Andrew Thomas Archer on behalf of Joint Debtor Debra C. Kistner aarcher@brennerlawoffice.com,  
bankruptcy@brennerlawoffice.com;r64966@notify.bestcase.com  
Isabel C. Balboa ecfmil@standingtrustee.com, summarymail@standingtrustee.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmil@standingtrustee.com,  
summarymail@standingtrustee.com  
Kevin M. Buttery on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana  
Trust, Not Individually but as Trustee for Hilldale Trust bkyefile@rasflaw.com  
Laura M. Egerman on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana  
Trust, Not Individually but as Trustee for Hilldale Trust bkyecf@rasflaw.com,  
bkyecf@rasflaw.com;legerman@rasnj.com  
Melissa N. Licker on behalf of Creditor FAY SERVICING, LLC NJ\_ECF\_Notices@McCalla.com  
R. A. Lebron on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bankruptcy@feinsuch.com  
Rebecca Ann Solarz on behalf of Creditor Wilmington Savings Fund Society, FSB, DBA Christiana  
Trust, not Individually but as Trustee for Hilldale Trust rsolarz@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10